

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION BOARD

IN THE MATTER OF:

Yummi Crawfish & Seafood New Application
Restaurant, LLC
t/a Yummi Crawfish
1529 Wisconsin Avenue,
N.W.
License #ABRA-096169
Retailer CR
Case #14-PRO-00065

Monday,
September 29, 2014

ABRA Hearing Room, 400 South
Reeves Municipal Center
2000 14th Street, N.W.
Washington, D.C. 20009

The above-entitled matter convened at
10:10 a.m., before the District of Columbia Alcoholic
Beverage Regulation Administration Board.

BEFORE:

LA VERNE FLETCHER, Board Mediator

P R O C E E D I N G S

(10:10 a.m.)

MS. FLETCHER: Would the parties in the matter of Yummi Crawfish & Seafood Restaurant please come forward. The parties in the matter of Yummi Crawfish & Seafood Restaurant.

This is Case No. 14-PRO-00065, Yummi Crawfish & Seafood Restaurant, LLC trading as Yummi Crawfish, 1529 Wisconsin Avenue, N.W., License #ABRA-096169. This is a Retailer CR, New Application.

The protest issues are adverse impact on peace, order, and quiet, parking, pedestrian safety, and property values.

My name is La Verne Fletcher and I'm conducting the roll call hearing as the Board's agent, pursuant to D.C. Official Code 1601.2.

Introductions, beginning with the Applicant, please. Your name.

MS. MY BUI: My Bui.

MS. FLETCHER: Could you state that one more time and spell it for the record.

MS. MY BUI: My Bui.

1 MS. FLETCHER: Could you speak up a little
2 louder for me, please.

3 MS. MY BUI: M y. Last name B-u-i.

4 MS. FLETCHER: B-u-i. So I have the first
5 name as M-y, and the last name is B-u-i?

6 MS. MY BUI: Yes.

7 MS. FLETCHER: Thank you very much.

8 And you?

9 MS. MYA BUI: Mya, M-y-a. last name B-u-i.

10 MS. FLETCHER: The first name is N-y-a?

11 MS. MYA BUI: M-y-a.

12 MS. FLETCHER: Oh. M-y-a. Thank you. M-y-a.

13 And present on behalf on behalf of the Citizens
14 Association of Georgetown?

15 MS. CRUSE: Karen Tammany Cruse.

16 MS. FLETCHER: Thank you, Ms. Cruse.

17 And present on behalf of ANC 2E?

18 COMMISSIONER JONES: Jeffrey Jones, ANC
19 Commissioner.

20 MS. FLETCHER: And so there is also a group
21 of individuals present.

22 MS. ROBINSON: Page Robinson. I'm here to

1 represent one of the abutting neighbors who is a
2 separate Protestant.

3 MS. FLETCHER: Did she sign the protest
4 letter?

5 MS. ROBINSON: Yes, she did. And then I
6 also am here to represent two of the many of us that
7 are coming as The Group. Does that make sense?

8 MS. FLETCHER: Yes.

9 MS. ROBINSON: Okay. Thank you.

10 MS. FLETCHER: Thank you very much.

11 Okay. So let's see.

12 MS. ROBINSON: Do you want their names?

13 MS. FLETCHER: Yes. Just give me one
14 second.

15 MS. ROBINSON: Okay.

16 MS. FLETCHER: Thank you.

17 Now I'm ready for and on that sign-in
18 sheet, I'll only need the name and email address,
19 telephone number of the designated representative
20 only, on the sheet that you're signing.

21 MS. ROBINSON: Okay.

22 MS. FLETCHER: So if you would state your

1 name and spell it for the record.

2 MS. ROBINSON: My name is Page Robinson. P-
3 a-g-e. R-o-b-i-n-s-o-n.

4 MS. FLETCHER: Thank you, Ms. Robinson.

5 MS. ROBINSON: And do you want the list of
6 all the people

7 (Simultaneous conversation)

8 MS. FLETCHER: The list that was

9 MS. ROBINSON: The ones that are actually
10 the people that are actually here, or represented.
11 They are highlighted for you.

12 MS. FLETCHER: Okay. They're present. If
13 you'll just state your name, I'll mark it off of my
14 list. That's the same list that was submitted with the
15 protests?

16 MS. ROBINSON: Yes, it is.

17 MS. FLETCHER: Okay. Then that's good. I'll
18 just get the names of everyone.

19 MS. ROBINSON: Okay.

20 MS. FLETCHER: Okay. Thank you very much.
21 Your name, sir?

22 MR. PLATT: Sure. My name is Allan Platt.

1 P-l-a-t-t-.

2 MS. FLETCHER: And how do you spell Allan?

3 MR. PLATT: A-l-l-a-n.

4 MS. FLETCHER: Thank you.

5 MR. PLATT: Okay. And I'm also designated
6 to I'm representing Jason Balmuth. He sent a letter.

7 MS. FLETCHER: Thank you. We have a letter
8 of designation for Jason Balmuth from Mr. Platt. I'll
9 spell Jason's name for the record .It's spelled J-a-s-
10 o-n. B-a-l-m-u-t-h. And Mr. Balmuth signed the protest
11 letter?

12 MS. ROBINSON: Yes.

13 MS. FLETCHER: Thank you. Okay.

14 MR. SHERMAN: My name is Michael Sherman,
15 S-h-e-r-m-a-n, and I'm here as the designee for Judith
16 Bunnell who did sign the protest letter.

17 MS. FLETCHER: So you're not a Protestant
18 but you are representing her?

19 MR. SHERMAN: Yes.

20 MS. FLETCHER: Okay. Thank you very much.

21 And so Michael Sherman is here on behalf
22 of Judith Bunnell. Judith Bunnell is spelled J-u-d-i-

1 t-h, b as in boy, u-n-n e-l-l.

2 MS. CONANT: I'm here, I signed the letter,
3 and I'm here in person, and my name is Katherine
4 Conant. K-a-t-h-e-r-i-n-e. Last name, C-o-n-a-n-t.

5 MS. FLETCHER: C-o-n-a-n-t?

6 MS. CONANT: Yes.

7 MS. FLETCHER: C-o-n was it one "n" or
8 two "n's"?

9 MS. CONANT: One. C-o-n-a-n-t.

10 MS. FLETCHER: Okay. Thank you very much.
11 Anybody else?

12 MS. RUTLEDGE: Good morning, Ms. Fletcher.
13 My name is Susan Rutledge. It's spelled R-u-t-l-e-d-g-
14 e. I'm representing myself. But we also have letters
15 from nine Protestants who signed on time, but were not
16 able to be here. So here are those nine. In addition,
17 I would like to give you, Officer Fletcher, the
18 original, the signatures that we sent in.

19 MS. FLETCHER: Okay.

20 MS. RUTLEDGE: The two people who are here,
21 who are representing others, did sign; but they signed
22 after the deadline.

1 MS. FLETCHER: Okay.

2 MS. RUTLEDGE: So they're representing
3 people who did sign within the deadline.

4 MS. FLETCHER: Got you.

5 MS. RUTLEDGE: And just for your ease of
6 administrative, we put together a list of who's who
7 today.

8 MS. FLETCHER: Okay.

9 MS. RUTLEDGE: Maybe that'll help you.

10 MS. FLETCHER: Thank you. Thank you very
11 much. I appreciate that because there were some names
12 that were not legible, and I see one of them right
13 here.

14 And if you'd just step forward and state
15 your name. Thank you.

16 MS. RUTLEDGE: Thank you very much.

17 MS. FLETCHER: Appreciate it. Appreciate
18 your help.

19 So Ms. Rutledge, I am looking through the
20 documents that you just gave me, and the individuals
21 that signed these letters of designation signed a
22 protest letter also?

1 MS. RUTLEDGE: Yes, and they signed before
2 the protest deadline.

3 MS. FLETCHER: Okay. Thank you.

4 Anyone else?

5 MS. RUTLEDGE: That's it.

6 MS. FLETCHER: That's it. Okay. Thank you
7 very much. And so Page Robinson, you're the designated
8 representative for the entire group?

9 MS. ROBINSON: Yes.

10 MS. FLETCHER: Okay. So if you would pull
11 up a chair to the table.

12 MS. ROBINSON: Okay.

13 MS. FLETCHER: You started out as a Group
14 of 35. I'm going to tell you what the group is today,
15 and that'll be the group designated, granted standing.

16 So today, we have a Group of 18, either
17 present or represented. So a Group of 18 is granted
18 standing, represented by Page Robinson.

19 Ms. Robinson, there are four people
20 present from your group today, that are actually
21 present in person, which means that at the status
22 hearing one more person from your group will need to

1 appear that's not present today.

2 MS. ROBINSON: Okay.

3 MS. FLETCHER: So that means that your
4 Group of 18 is granted conditional standing

5 MS. ROBINSON: Okay.

6 MS. FLETCHER: and the Board will grant
7 full standing to your group when that one additional
8 person appears for the status hearing.

9 MS. ROBINSON: Okay.

10 MS. FLETCHER: If the matter's resolved in
11 mediation before that status hearing, that becomes a
12 non-issue.

13 MS. ROBINSON: Okay. Ms. Fletcher, I have
14 a question about Robert Obie, who is an abutting
15 neighbor, so I believe he can be a Protestant
16 separately, from our group; Is that correct?

17 MS. FLETCHER: There was no one from your
18 group that claimed to be abutting in the protest
19 letter.

20 MS. ROBINSON: Oh. So we didn't do it in a
21 letter. I only brought it in the thing today.

22 MS. FLETCHER: Exactly.

1 MS. ROBINSON: Got it. I understand.

2 MS. FLETCHER: So he didn't claim to be
3 abutting.

4 MS. ROBINSON: Got it.

5 MS. FLETCHER: At the time that the

6 MS. ROBINSON: I understand. Ms. Fletcher,
7 I'm sorry. Again

8 MS. FLETCHER: Yes?

9 MS. ROBINSON: Who are the four? How does
10 that work?

11 MS. FLETCHER: Let me make sure I got that
12 right.

13 MS. ROBINSON: Okay.

14 MS. FLETCHER: I'll count it for you. So
15 what I have here is you're present, Page Robinson.
16 Allan Platt is present. Judith Bunnell is present,
17 being represented by Michael Sherman. So she does
18 she is not present.

19 MS. ROBINSON: Oh. She doesn't count?

20 MS. FLETCHER: Yes. She it's five people,
21 who are Protestants, must appear in person.

22 MS. ROBINSON: Okay.

1 MS. FLETCHER: So let me go down the list.
2 So five people that signed the protest letter have to
3 be present.

4 MS. ROBINSON: Got it.

5 MS. FLETCHER: So I'm going to tell you who
6 I have, make sure I've added up everything correctly.

7 MS. ROBINSON: Okay.

8 MS. FLETCHER: So I've got Page Robinson is
9 present, and you signed the protest letter. Allan
10 Platt is present. Katherine Conant is present. Susan
11 Rutledge is present. I have four people present that
12 signed the protest letter. Did I miss one?

13 MR. SHERMAN: Madam Chair, two of us are
14 here designated as representative of two individual
15 who signed the letter in time. Both Allan and I
16 signed the letter, but apparently out of time.

17 MS. FLETCHER: Right.

18 MR. SHERMAN: So from that standpoint, I'm
19 not sure why the status of Allan being here as the
20 designated representative of Jason is different from
21 my status of being here, being the designated
22 representative of Judith Bunnell.

1 MS. FLETCHER: Okay. So Allan, you're
2 present, representing Jason Balmuth.

3 MR. PLATT: That's right.

4 MS. FLETCHER: And Mr. Sherman, you're
5 here, present, for Judith?

6 MR. SHERMAN: Yes.

7 MS. FLETCHER: And you're saying that you,
8 Mr. Sherman, did not you signed the protest letter
9 but it was beyond the petition deadline?

10 MR. SHERMAN: Apparently that's the case.

11 MS. FLETCHER: Okay. So you're not a
12 Protestant, but you're here representing Judith.

13 MR. PLATT: Then that was that would have
14 been the same situation that I am in as well.

15 MS. FLETCHER: So Allan Platt, you're here,
16 you signed the protest letter beyond the petition
17 deadline?

18 MR. PLATT: Correct.

19 MS. FLETCHER: That was just a second.

20 MR. PLATT: I'm representing Jason Balmuth

21

22 MS. FLETCHER: You're representing Jason.

1 MR. PLATT: who did sign it within the

2

3 MS. FLETCHER: Yes.

4 MR. PLATT: Within the deadline.

5 MS. FLETCHER: Okay. Thank you.

6 THE REPORTER: Ms. Fletcher.

7 MS. FLETCHER: Yes?

8 THE REPORTER: The need to be on the mike.

9 MS. FLETCHER: Oh. I'm sorry. Can you just
10 come up and say that. Thank you. I forgot. So Mr.
11 Platt, you didn't sign the protest letter within the
12 petition deadline but Jason Balmuth did, which is the
13 person you're representing?

14 MR. PLATT: That's correct.

15 MS. FLETCHER: Okay. Thank you.

16 And Mr. Sherman, you signed the protest
17 letter but beyond the petition deadline, and you're
18 representing Judith Bunnell?

19 MR. SHERMAN: That's correct, Madam Chair.

20 MS. FLETCHER: Okay. Well, that changes my
21 numbers. Okay. So let me just restate what those are.

22 So now we have present today, who signed

1 the protest letter within the petition deadline Page
2 Robinson, Katherine Conant, and Susan Rutledge. So
3 there are three people present, today, that signed the
4 protest letter. So that means that at the upcoming
5 status hearing, two more people who signed the protest
6 letter need to be present. Two more people, who are
7 not here today, would need to appear for the status
8 hearing.

9 MS. RUTLEDGE: Could I ask for
10 clarification

11 MS. FLETCHER: And Ms. Rutledge, is that
12 you speaking?

13 MS. RUTLEDGE: I'm sorry. This is Susan
14 Rutledge speaking. Madam Chair, if you could just help
15 us understand this process

16 MS. FLETCHER: Yes. I understand. Oh, I
17 understand. Yes.

18 MS. RUTLEDGE: Does it need to be any five
19 from the original signatures that were submitted on
20 time, that can come to the protest - the status
21 hearing? Or does it need to be us three plus two more?

22 MS. FLETCHER: It would need to be you

1 three, plus two more that were represented today by
2 someone.

3 MS. RUTLEDGE: Okay.

4 MS. FLETCHER: The individuals who are not
5 here today, and who did not designate representatives,
6 are not considered Protestants.

7 MS. RUTLEDGE: I understand.

8 MS. FLETCHER: So you have a Group of
9 well, initially, I said you had a Group of 18. You
10 actually have a Group of 17.

11 MS. RUTLEDGE: Okay.

12 MS. FLETCHER: So any one of those 17 can
13 appear.

14 MS. CRUSE: May I ask a question. We're
15 talk you're talking about

16 MS. FLETCHER: Ms. Cruse. I'm sorry. Ms.
17 Cruse is speaking.

18 MS. CRUSE: Ms. Karen Cruse.

19 MS. FLETCHER: Yes?

20 MS. CRUSE: You're talking about a Group of
21 5, here, in a moratorium zone, so in fact isn't it a
22 requirement to have

1 MS. FLETCHER: So this is a Georgetown
2 moratorium row?

3 MS. CRUSE: Yes.

4 MS. FLETCHER: Ms. Cruse, thanks for
5 clarifying that. That changes everything that I just
6 said.

7 (Laughter)

8 MS. FLETCHER: That changes everything. You
9 actually have enough people present today.

10 MS. ROBINSON: So we do not need

11 MS. FLETCHER: In the moratorium zone,
12 there are only three that need to appear for a roll
13 call hearing. So you have met that requirement.

14 MS. CRUSE: Thank you.

15 MS. FLETCHER: Ms. Cruse, thank you for
16 clarifying. I wasn't aware of that before today, so
17 thank you. So your group is granted full standing
18 today. No one else needs to appear but the designated
19 representative.

20 (Pause)

21 MS. FLETCHER: So there are three
22 Protestants in the matter of Yummi Crawfish. There's

1 the Citizens Association of Georgetown, ANC 2E, and a
2 Group of 17. But the fact that three of you are
3 present means that your group is granted full
4 standing.

5 We need to set a date for mediation, a
6 status hearing, and a protest hearing, and I'll give
7 you the date for the status and protest hearing first.

8 The status hearing is set for October 22nd
9 at 9:30. October 22nd at 9:30.

10 The protest hearing is set for November 19
11 at 4:30. November 19 at 4:30 for the protest hearing.

12 We need to set a date for mediation. I'll
13 give you the next available day. The next available
14 day is Tuesday, October 7, at 9:00, 10:00, 11:00, or
15 1:00. Tuesday, October 7.

16 Ms. Robinson?

17 MS. ROBINSON: Can we push that one more
18 week to Tuesday?

19 MS. FLETCHER: No. I'm sorry. You mean till
20 the week of the 14th?

21 MS. ROBINSON: October 14, Tuesday. Or
22 Wednesday, the 15th, or Tuesday, the 14th.

1 MS. FLETCHER: Let's see. On the 15th we
2 on the 14th, I mean, we could do it at

3 MS. MYA BUI: Ms. Fletcher?

4 MS. FLETCHER: Yes? I'm sorry. What was
5 that? October 7. And that's Ms. Bui speaking?

6 MS. MYA BUI: Yes.

7 MS. FLETCHER: October 7. Everybody has to
8 be available on the same day. So I'm going to move
9 beyond the 7th because everybody has to be able to
10 come on the same day. I have some other dates
11 available. I'm just going to keep going down the list,
12 and when there's one that works for everybody, you can
13 let me know.

14 October 9 is available. That's a Thursday.

15 MS. ROBINSON: I'm out of town. I'm sorry.

16 MS. FLETCHER: Okay. I'm going to keep
17 moving to the well, let me ask were you going to
18 say something, Ms. Bui?

19 MS. MYA BUI: No.

20 MS. FLETCHER: We could do Thursday,
21 October 16.

22 MS. CRUSE: That week's bad for me.

1 MS. FLETCHER: That's bad for Ms. Cruse. We
2 could do let's see. Okay. Let's see here. So Ms.
3 Cruse, the week of the 13th is not good for you?

4 MS. CRUSE: No.

5 MS. FLETCHER: What about we could do
6 Ms. Robinson, the entire week of October 6 is not good
7 for you?

8 MS. ROBINSON: Correct.

9 MS. FLETCHER: I just want to make sure
10 before I went any further. And so the week of the 13th
11 is not going to be good for Ms. Cruse. So what about
12 we can do October 20, which is a Monday, at 1:00. We
13 can do Tuesday, the 21st, which is just a day before
14 the status hearing, but we can come the day before the
15 status hearing, if you want. So we have left either
16 the 20th or the 21st.

17 MS. CRUSE: The 20th's fine.

18 MS. ROBINSON: I'm fine with the 20th at
19 1:00.

20 MS. MYA BUI: I agree.

21 MR. JACKSON: The ANC has a meeting at the
22 Wilson Building, 20th at 2:00, 2:00 p.m.

1 MS. FLETCHER: Well, we can make it I'm
2 not sure what the roll call calendar will look like on
3 a Monday, because on Mondays we're in here. But we can
4 do it at 11:30.

5 MS. MYA BUI: Can I say something?

6 MS. FLETCHER: Yes. And if you could just
7 state your name for the record.

8 MS. MYA BUI: Mya Bui.

9 MS. FLETCHER: Thank you.

10 MS. MYA BUI: Basically mediation is going
11 to come before a status hearing; right?

12 MS. FLETCHER: Yes.

13 MS. MYA BUI: So the status hearing. Yes.
14 The status hearing, you're only going to report the
15 results of mediation.

16 MS. MYA BUI: Oh.

17 MS. FLETCHER: That's the only purpose of
18 the status hearing. The Board doesn't make any
19 decisions, at all. They'll only want to know the
20 status of the mediation, and if the matter wasn't
21 resolved in mediation, they're just going to restate
22 the date of the protest hearing. And if the matter is

1 resolved before the status hearing, there won't be a
2 status hearing.

3 MS. MYA BUI: Oh. Thank you.

4 MS. FLETCHER: Yes. So there won't be any
5 decisions made at all. Thank you.

6 MR. JACKSON: So ANC the question is the
7 last time offer is 11:30 on October 20th?

8 MS. FLETCHER: 11:30 on October 20th. We
9 can do that. Is that good for you? October 20 at 11:30
10 for Yummi Crawfish.

11 And the mediation will be held here,
12 hopefully, in this room. When you come in, just check
13 in with the receptionist. My card is on the table. I'm
14 the Board's mediator. If you have any questions,
15 there's a card on the table for you.

16 MS. MYA BUI: You're the Board mediator?

17 MS. FLETCHER: Yes. If you have any
18 questions, let me know.

19 And Ms. Bui, you put your contact
20 information on that sheet? Your daytime number and
21 email address. You can either put both, or one.

22 Any other questions?

1 Ms. Robinson?

2 (No response)

3 MS. FLETCHER: Okay. Thank you. Then the
4 roll call hearing is concluded.

5 (Whereupon, at 10:25 a.m., the roll call
6 hearing was concluded)

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